

disclaimer with respect to the subject matter contained therein. Accordingly, only rejected claims 56-72 remain at issue, and reconsideration of these claims is respectfully requested.

*Claim Rejections – 35 U.S.C. § 103*

The final Office action, at page 8, rejects claims 56-72 under 35 U.S.C. § 103(a) as being unpatentable over *Hauser* et al. (U.S. Patent No. 6,115,748) in view of *Focsaneanu* et al. ( U.S. Patent No. 5,828,666). Applicants respectfully submit that there is no motivation or suggestion to combine the cited references and, even if combined, the cited references together do not teach or suggest every limitation of the rejected claims.

*Hauser* discloses, for a *link-level* flow controlled system, a method and apparatus that provides the ability to partition a buffer resource among multiple prioritized buffer subsets through use of at least one threshold, thereby enabling different categories of service levels, *in terms of delay bounds*. *Hauser*, Abstract; col. 12, lines 61-63 (emphasis added). The *Hauser* system throttles cell flow from a transmitter to a receiver based on *link-level* counters and registers maintained within the transmitter and updated by feedback information from the receiver. Col. 1, lines 41-47. *Hauser* allegedly “enables the transmission of high priority connections while lower priority connections are ‘starved’ or prevented from transmitting cells downstream during periods of link congestion.” Col. 11, lines 63-66. Thus, *Hauser* discloses a shared buffer prioritization scheme for use in a *link-level* flow controlled system. That is, the system of *Hauser* is used to prioritize access to a single buffer that is shared by multiple connections. Prioritization is based in part on different categories of service, in terms of delay bounds.

*Focsaneanu* addresses the problem of channelized access and transport of fixed bandwidth data transmission through local exchange carrier networks. *Focsaneanu* discloses interfacing CPEs and communications networks through local access to form a “universal services” network. Information content is extracted from traffic at the local access between CPE and the communications networks. Then, prior to handling in the communications networks, appropriate routing is determined according to the extracted information content, which is then routed to the appropriate service providers and/or network resources. *Focsaneanu* does not teach or suggest using a DLCI to expand services to existing frame relay based CPEs, or any other

feature of Applicants' invention as claimed.

Applicants find no motivation or suggestion to combine the references within the references themselves. Furthermore, one of ordinary skill in the art would not be motivated to combine the references because *Hauser* discloses a shared buffer in a link-level flow control system, while *Focsaneanu* discloses interfacing CPEs and communications networks through local access to form a "universal services" network. Thus, Applicants submit that there is no motivation or suggestion to combine the references found in either the prior art or in the level of knowledge of one of ordinary skill in the art, as is required to establish a prima facie case of obviousness under 35 U.S.C. § 103(a). See MPEP § 706.02 (j); See also *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

Even if the references are combined, the combination does not teach or suggest every limitation of the rejected claims. As discussed above, *Hauser* discloses that multiple priority levels enable different categories of service, *in terms of delay bounds*. [ *Hauser* does not disclose different categories of service, each associated with a plurality of destinations. ] On the contrary, each priority level in *Hauser* is associated with a *single connection* (i.e. one sender, one recipient), not a plurality of plurality of destinations as required by independent claims 56 and 68. *Hauser*, Col. 11, lines 66-67 ("Cell priorities are identified on a per-connection basis.").

*Focsaneanu* fails to cure the deficiencies of *Hauser*. The Office action cites *Focsaneanu* col. 2, lines 37-61 as disclosing service category indicators and data link connection identifiers (DLCIs), as required in claims 56 and 68. However, the cited portion of *Focsaneanu* is background material that discloses the broad concept that the Internet carries different types of traffic, including voice, data, and video. The cited reference does not disclose that each type of traffic may be assigned a different service category, or that each type of service may correspond to a plurality of destinations. Absent further disclosure, the reader is left unadvised as to whether each type of traffic is given a service category, much less a service category corresponding to a plurality of destinations.

In addition to the motivation to combine requirement (discussed above), in order to establish a prima facie case of obviousness the cited prior art must teach or suggest all the claim limitations. See MPEP § 706.02 (j). Neither *Hauser* nor *Focsaneanu* teach or suggest using a service category indicator corresponding to a plurality of destinations as is required by independent claim 56, nor a data link connection identifier (DLCI) corresponding to a plurality


of destinations, as is required by independent claim 68. Thus, Applicants respectfully submit that the rejection of claims 56-72 is traversed because the combination of *Hauser* and *Focsaneanu* fails to teach or suggest every limitation of the rejected claims.

All issues having been addressed, Applicants submit that the instant application is in condition for allowance, and solicit prompt notification of the same. If the Examiner has any questions or believes that the application is not in condition for allowance, the Examiner is invited to call Ross Dannenberg of the undersigned's office at (202) 508-9153.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By:

  
Thomas H. Jackson  
Registration No. 29,808 *Reg. No. 49,024*

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
(202) 508-9100  
Dated: 2/6/02